

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 1, 2004

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, December 1, 2004 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters; with the following present: Chair Pro Tem David M. Unruh; Commissioner Tim R. Norton; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Dr. Cindy Burbach, Director, Health Surveillance and Disease Prevention, Health Department; Ms. Annette Graham, Director, Department on Aging; Ms. Gloria Vermie, Health Department; Ms. Jan McKay, Director, Old Cowtown Museum; Ms. Sherry Boeken, Office Administration, District Attorney's Office; Ms. Susan Erlenwein, Director, Environmental Resources; Mr. Mark Masterson, Director, Department of Corrections; Mr. Bob Lamkey, Director, Division of Public Safety; Dr. Timothy Rohrig, Director, Forensic Science Laboratories, Regional Forensic Science Center; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Ms. Kristi Zukovich, Director, Communications; and, Ms. Lisa Davis, Deputy County Clerk.

GUESTS

Ms. Monica Cereno, Botanica, Botanical Gardens.

INVOCATION

The Invocation was led by Father Mike Simone of St. Thomas Aquinas Church, Wichita.

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that all Commissioners were present.

CONSIDERATION OF MINUTES: Regular Meeting, November 10, 2004

The Clerk reported that all Commissioners were present at the Regular Meeting of November 10, 2004.

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Chairman Winters said, “Commissioners, you’ve had an opportunity to review the Minutes of November the 10th. What’s the will of the Board?”

MOTION

Commissioner Sciortino moved to approve the Minutes of the Regular Meeting of November 10, 2004.

Commissioner Norton seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “Next item.”

AWARDS

A. PRESENTATION OF ICMA PROGRAM EXCELLENCE AWARD, INNOVATIONS IN LOCAL GOVERNMENT MANAGEMENT, IN RECOGNITION OF THE SUCCESS OF SEDGWICK COUNTY’S NONPROFIT CHAMBER OF SERVICE PROGRAM.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, “I’m particularly proud to present this award to you today. Let me just talk a little bit about this process, and what we had to do to win this. The process includes an application that needed to be filed in the spring, and we did that. There were 14 other applications filed and that’s submitted to an anonymous committee of county and city managers, not that we would want to influence the decision of the committee, but the reason it’s anonymous is so that doesn’t occur.

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This anonymous committee then reviews those applications, and we were in a category of 50,000 folks . . . a population of 50,000 or greater. Oftentimes, sports teams or others, are judged by the competition, who their competition is, and so I wanted to take a moment to talk about who our competition was.

Well, Ann Arbor, Michigan had a design for a wastewater treatment plant. Martin County, Florida had the water quality. There was Anaheim, California did a tree program, about saving trees. San Antonio had two, one of which was a Team Toyota, about bringing Toyota there, and how they had a unique program of doing economic development. Olathe, Kansas had strategic planning process. Plano, Texas had two . . . submitted two awards, one for managing differences, about diversity and preparing people in their organization to be managers. There was a learning academy for citizens of Alameda, California. Denton, Texas had a laser phish document imaging program. The City of Reno, Nevada had an internal audit program and a Budget Lite program, so that both . . . one was an internal audit and how they saved a whole bunch of money doing that, and the Budget Lite was how they engaged citizens in a learning process about budgets. Phoenix, Arizona had a rehabilitation and reconstruction program. Douglas County, Kansas had a detention school, a day school in the detention facility and again, San Antonio had a contracting initiative where they did different ways of contracting with organizations that was unique. Out of all those programs, Sedgwick County was selected as the winner for our efforts in the non-profit chamber of service.

You will recall, that in 2000 we engaged Nancy McCarthy-Snyder of the Hugo Wall Center to do a report for us, which was entitled enhancing delivery of public services by non-profits. From that study, we had partners of the City of Wichita, United Way, Kansas Health Foundation, and others. Through that study, we decided that we needed to move forward with building capacity for non-profits. And so, with the Kansas Health Foundation and with your help, we've put together some funds and hired the Self-Help Network of W.S. U. to begin designing a program to do that.

The design team met in 2001 and had retreats for non-profits, 20 of those local non-profit directors showed up, as did you. And out of that initial two meetings, there were two developments that occurred. One is that we decided Sedgwick County and the Kansas Health Foundation would sponsor a conference and bring in national experts to talk about the best practices, how to shore up, if you will, non-profit agencies, to expand. And the second part was how could we formally expand and learn from each other about increasing the pull of non-profit board members and how to do that training.

In 2003, 70 non-profits again, and funders, got together, the non-profit agency directors and those people funding non-profits, to clarify the mission and you again were there. And out of that plan came a year-long strategic planning process, and the first year strategy about how to put together the non-profit chamber.

In January of this year, 2004 and I know this is a long process, after four years, but after four years

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the first annual meeting of the non-profit chamber of commerce was held. Yesterday, they had a training program for how to train board members and non-profit agencies showed up and Jo Templin, from our staff, was there to learn from them in how do we assist them. Sedgwick County is also making available slots for non-profits in some of our training programs, so that we can build capacity for them to be more successful.

So, I wanted to review that with you. I'm pleased that my association gave Sedgwick County this award. It is really for you. Without your leadership, without your dollars, without you attending and without your encouragement, this wouldn't have happened, so thank you."

Chairman Winters said, "All right Bill, thank you. And was this presented to staff at the last ICMA meeting?"

Mr. Buchanan said, "Yes, yes."

Chairman Winters said, "All right, well thank you very much and we appreciate all of staff's work. We know that a lot of people were involved in this. Kind of started from an incident where we wanted to make sure that our non-profits were as healthy and as strong as they could be in this community and I think they're on the way to doing that. And I would certainly acknowledge your input in that, because I'm not sure that strategy would have been developed without your leadership and we appreciate that very much. Commissioner Sciortino."

Commissioner Sciortino said, "Well, I also want to say something. Bill, I think had it not been for the way you presented it initially to the non-profits, I think there was initially some fear or trepidation about, you know, what's the county getting involved in here, etcetera and so forth, so I think not only was it good that we got it accomplished, but a lot of that is in how you make the presentation so that they'll willingly come on board and try to be part of the solution. And I congratulate you for how you were able to accomplish that too."

Chairman Winters said, "All right, thank you very much Bill. Next item."

DIVISION OF INFORMATION & OPERATIONS-HEALTH DEPARTMENT

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B. PRESENTATION OF NOTICE OF AWARD FOR SEDGWICK COUNTY HEALTH DEPARTMENT FROM U.S. SECRETARY OF HEALTH TOMMY THOMPSON, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Dr. Cindy Burbach, Director, Health Surveillance and Disease Prevention, Health Department, greeted the Commissioners and said, "I would just simply like to let you know what we have received in the section of the Health Department that includes public health, emergency management and MMRS, the section that is led by Gloria Vermie. We have received from the U.S. Department of Health and Human Services a certificate of appreciation that was presented to Sedgwick County Health Department, signed by Tommy Thompson, the Secretary of Health for the United States. This is for our initiative in the Diabetes Detection Initiative.

If you remember, a year ago, Surgeon General Carmona was here in Wichita to kick off this campaign to detect Diabetes in those where it is yet undetected or un-diagnosis. We've had lots of volunteers in our medical reserve corps program that have been working on this, last spring mostly, in the community. And in fact, just last week, the staff was represented in Washington D.C. for an awards dinner regarding this award and took with them a CDC funded poster person, if you will. Somebody that was found here in Sedgwick County, to have serious Diabetes in this program, found by this program. Took them with them to Washington, at complete expenses by the federal government and it was really an exciting time for us.

We're going to be hosting a statewide conference here tomorrow on the Diabetes prevention and control, and just like for everybody to know that we've been doing a lot of good work. I would like to recognize Gloria, if she's here this morning and do you want to introducing any staff or volunteers? Do you have volunteers here with MRC?"

Chairman Winters said, "Yes, come on over to the microphone, Gloria. Take some credit."

Ms. Gloria Vermie, Metropolitan Medical Response Service, greeted the Commissioners and said, "Thank you very much. This is wonderful for all of us. This morning, I don't believe any of our volunteers are here and I'm sorry, because they worked long hours and they're great folks. Grace Medgild, WSU university nurses, there were several of them that showed up and they were there when we needed them. But I do have staff that worked long hours and were recognized nationally, and I want to first recognize Monique Garcia and Kathy Gann and Kathy is coordinating the medical reserve corps and Monique has been working directly with the Diabetes Detection Initiative and we're very proud of these two individuals. Thank you."

Chairman Winters said, "All right, thank you all very much. We appreciate your work. We

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appreciate your work and it's especially rewarding when you're recognized by others from around the country for the work that we do here in Sedgwick County and we could not do the work here in Sedgwick County if we didn't have a tremendously good staff. And we appreciate the work that you all do. Cindy, did you have more to the report? Is that it?"

Dr. Burbach said, "That's it. Thank you."

Chairman Winters said, "All right. Well, again thank you very much for the hard work you do and being recognized by those others in the country. We appreciate the attention to Sedgwick County when it's good attention like that. So thank you all very much for your work. Do we need . . . nope, just accept the award. Madam Clerk, call the next item please."

DONATIONS

DIVISION OF HUMAN SERVICES-DEPARTMENT ON AGING

C. IN-KIND DONATIONS BY SENIOR EXPO 2004 SITE SPONSORS.

- 1. BOTANICA, THE WICHITA GARDENS – VALUE \$800**
- 2. EXPLORATION PLACE – VALUE \$1,500**
- 3. MID-AMERICAN ALL-INDIAN CENTER – VALUE \$1,200**
- 4. OLD COWTOWN MUSEUM – VALUE \$800**

Ms. Annette Graham, Director, Department on Aging, greeted the Commissioners and said, "Wanted to take this opportunity today to extend our thanks and appreciation to four sponsors who helped us with our Senior Expo. This past September, we had our 19th Annual Senior Expo, and once again it was a very successful event, with over 3,000 individuals, age 55 and over, in attendance.

The contributions of four agencies have contributed greatly to the success of this event. They are: The Wichita Gardens- Botanica, Exploration Place, Mid-America All Indian Center and Old Cowtown Museum. These agencies provide support and they contribute the site locations for these events. And they also help by providing staff to assist and provide a service for older adults in our community. Older adults are able to attend the Senior Expo, but they also get to attend each of these locations for free that day. They get to go and see these wonderful places to learn about services and programs available in our community, and to appreciate the fine facilities we have in our community.

So we wanted to take this opportunity and acknowledge the support and the help they provide for

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more than 80,000 seniors in our community. So today we were lucky enough to get Jan McKay from Cowtown, Old Cowtown Museum to come and Monica Cedena from Botanica- Wichita Gardens.”

Ms. Monica Cedena, Botanica- Wichita Gardens, greeted the Commissioners and said, “Thank you so much. I have been a staff member at Botanica, the Wichita Gardens for about six years and have been actively participating in the Senior Expo. It’s just such an exciting event and on behalf of Barbara Chamberlain, our executive director, and Nancy Perry, the facility coordinator, we thank you for your support of the Department on Aging, for having and the county commissioners for having such a wonderful day of education, recreation, and socialization for our seniors.

It’s our . . . Botanica treasures our volunteers that are seniors, but we’re glad to open up our doors and have a wonderful day of fun. Thank you so much.”

Chairman Winters said, “Well thank you, Monica. That event couldn’t take place if this whole group of folks wouldn’t come together and provide facilities. And so, Jan, please come forward and Monica, thank you and Barbara very much for your input.”

Ms. Jan McKay, Director, Old Cowtown Museum, greeted the Commissioners and said, “Thank you, Commissioners. Good morning. I would just like to thank the Department of Aging and the commissioners and the county for their ongoing support of Cowtown, because we could not do this special event without that. We’re thrilled, because we see a lot of seniors come through with their grandchildren all the time, and this is an opportunity where we see them come through with their friends and they see Cowtown in a whole new light, because they get to talk one-on-one with our interpreters, the explainers of history.

And we know seniors in particular love their history, their history of Wichita and Sedgwick County. So, we are thrilled to do it. We’re thrilled to use the Chuckwagon Café, so that the trade expo can be there and seniors can learn about everything from health and wellness to the other arts opportunities in Wichita. So, we’re glad to do it and we had, I think, more than 600 seniors actually go onto the grounds. So out of 3,000, we think that’s pretty good, so thank you.”

Chairman Winters said, “Well thank you very much, Jan, for your work on the Senior Expo project and we also want to thank Exploration Place and the Mid-America All Indian Center. Those four facilities, in close proximity, really make the Senior Expo work very well. So, thank you both for being here. We appreciate it. Carolyn, Commissioner McGinn. David, work on the lights down below, would you.”

Commissioner McGinn said, “Well, I just want to say too, thank you for all of these organizations

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for doing a lot of the work to get things set up. I'm sure it's a lot of staff time to make things really nice for our seniors in this community.

But the other point, I just think we're very blessed here in Sedgwick County to have the museums that we have in such close proximity, to have this kind of event. I don't know that there's other cities our size or even larger that has the museums on the river that we have and I just think we have a lot of opportunity and it's just a great thing for our seniors. Because they don't have to drive back and forth across today."

Chairman Winters said, "Thank you all for being here. Thank you, Annette. Commissioners, do we have a Motion to acknowledge these agencies and send a letter of recognition?"

MOTION

Commissioner McGinn moved to acknowledge the agencies for their commitment to older adults in Sedgwick County and their continual support of Senior Expo; and authorize the Chairman to sign letters of appreciation.

Commissioner Unruh seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you all very much for being here. That's all right. We can get along. Commissioners, the light system doesn't work, so wave your flag if you need to speak. Thank you. Next item please."

NEW BUSINESS

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D. GRANT APPLICATION TO U.S. DEPARTMENT OF JUSTICE FOR A S.T.O.P. GRANT TO FUND A FULL-TIME CASE COORDINATOR POSITION, A PART-TIME FORENSIC COORDINATOR POSITION, AND A PART-TIME INVESTIGATOR POSITION.

Ms. Sheri Boeken, Office Administration, District Attorney's Office, greeted the Commissioners and said, "Requesting approval, once again, of this grant application. This is for continued funding of the positions that were just mentioned."

Chairman Winters said, "All right, so Sheri this is not a new process. This is something that your office has been doing for some time?"

Ms. Boeken said, "Yes, sir. This is the sixth request for renewal."

Chairman Winters said, "All right, very good. Commissioners, are there questions or comments?"

MOTION

Commissioner Sciortino moved to approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner McGinn seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you, Sheri. Next item."

E. APPLICATION TO CARGILL CARES, CHARITABLE ENVIRONMENTAL PROGRAM, FOR FUNDING OF AN INVESTIGATION OF WATER QUALITY IMPACTS OF ROUTING SURFACE RUNOFF INTO GROUND WATER PITS.

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POWERPOINT PRESENTATION

Ms. Susan Erlenwein, Director, Environmental Resources, greeted the Commissioners and said, "My department has been working with different state and federal agencies to develop a study on sandpits to determine if storm water runoff into the sandpits actually contaminates the groundwater or if it doesn't contaminate the groundwater.

As you are aware, the water that is exposed in the sandpits is the surface of the groundwater table. This study was initiated last spring, due to Senate Bill 364. And in that senate bill, it directed the Division of Water Resources to determine if there's any impact in storm water runoff into sand and gravel pits.

The Division of Water Resources held many meetings and, from those meetings, they determined that Sedgwick County would be an ideal location for this sandpit study, since we have so many sandpits in our area, along the Ark River and many of those have been developed.

Now, I mentioned we've been working with many agencies and it looks like a virtual alphabet soup, if you look at the acronyms. We have state agencies, such as the Division of Water Resources, the Kansas Water Office, the Kansas Geological Survey, the Department of Health and Environment, federal agencies like United States Geological Survey. There's also the Groundwater Management District, City of Wichita, Sedgwick County and we've also included the Wichita Area Business Association, to get their input on this process. So this . . . all of these groups have been working together to determine how to do this sandpit study.

The Division of Water Resources asked my department to investigate the area that you see on the map in dark gray. It's bounded on the east side by the Ark River, on the west side is a light blue line, by the Cowskin Creek and the red line down the middle is the Big Slough creek. So what we did was look at all of the surface water bodies within that gray area and just adjacent to that gray area. And we discovered that there were over 200 surface water bodies, and you see those by all the different colored dots and those are just of two and a half acre size or larger. We had to have a lower end cutoff somehow, and we found no developments around sandpits smaller than two and a half acres.

Some of those dots represent farm ponds or private ponds or borrow pits, and the light green ones represent sandpits. We determined the difference between them by looking at characteristics of sandpits and also reviewing conditional use permits. So this map shows the light green dots, which are the sandpits, and there are 85 of them within this area. So the next step is to determine how do

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you narrow down from 85 sandpits to which ones we will investigate. And there are many factors that we looked at. Kansas Department of Health and Environment wanted us to look at some factors, such as the development around the sandpits, is it still pasture or cropland area, is it residential and if it's residential, is it on-site waste disposal or is it public waste disposal and we added the categories of commercial and industrial, because we know that exists as well in Sedgwick County.

We also looked at the size of the sandpits, the type of soil, how permeable it is, the age of the pit, the past and present use around the pit and for the development, is it commercial, industrial, residential, how old is the development, the densities, is it one house or 100 homes. Are roads in the area gravel, paved or guttered. Is storm water drainage directed into the sandpit or away from the sandpit? Is it on-site or public sewer? Are there any local pollution sources and is there any recreational use? Do people have motorboats in there or just fish in it or what happens in that pit.

And then we looked at how do we start eliminating those 85 down to the final few that we will investigate. Well one way to eliminate it is if it's an active pit, it's constantly dredging the bottom sediments, stirring up the sediments in the water, so that should be excluded. If it's a local pollution source, that will inhibit the data that we receive, because it's going to be tainted from that local pollution.

We looked at the number of homes. Our study would be better if you had a development around the area, instead of just one house. Is the development up-gradient or down-gradient from the pit. We wanted an up-gradient, because if we're looking at runoff, if it's down-gradient it's not going to run into the pit. We wanted a consistent soil in the area and the last factor is can we get to it to actually test the water and put in monitoring wells.

So from all of this, we worked with the agencies, we went on field trips to look at the sandpits. We went to numerous meetings and we narrowed it down to the five locations you see on this map. Up north, there were two dots near 53rd Street, east and west of the Ark River. The one west of the Ark River is what we call a control. It's a sandpit that was dug back in 1968. It has just wheat crop around it. So it would just show what you would have from runoff without any development influencing it.

To the east of the Ark River is the Moorings. It was also dug in 1968. It has over 300 homes around it, it's older development and the storm water runoff is directed into the pit. For new developments, near 29th Street east of Ridge Road, there were two sandpits to study. One was Ridge Port, which is the northern dot of the two, and then Barefoot Bay. Both of these are along the Big Slough creek, so they have influence from the creek, which is something we see with new

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developments. Barefoot Bay is older and deeper than Ridge Port, but both of them have recent housing development developed in the '90s. and then the south dot you see is Kingston Cove. It's near McLean Boulevard and 31st Street South. It's west of McLean and north of 31st. It's an apartment building, so you have a lot of pavement around it, to show runoff affect of that.

So these were the five locations everyone agreed to and the next step is to start the study. This is a aerial photograph of the Moorings. The 'x' shows the middle of the Moorings sandpit lake. You can see the development around the Moorings and there's also red dots. Each sandpit will have an up-gradient monitoring well, to show normal background groundwater samples and two down-gradient wells, to see if storm water runoff into the sandpits changes the groundwater that you find south of the pit, versus north of the pit. Sampling will also be done of the lake water and the lake bottom sediments.

Well, all of this cost money and like a lot of senate bills, there was no funding for this project. So what we have done is work with the different agencies, the Bureau of Reclamation is donating \$75,000 to the project, of their time and drilling equipment and they will come up from Oklahoma and drill the monitoring wells. No cost to us, but that's their estimated cost for their time and equipment and this will probably take place sometime in January, depending on their drilling schedule.

The United States Geological Survey is donating time, a boat to go out on the lakes, do bottom sediments, a lot of the equipment. They estimated their cost at \$125,000. But the largest cost is the laboratory cost of the actual water tests, which is \$280,000. And we're fortunate that Cargill has a program called Cargill Cares and they have this program for local environmental projects, and they're interested in our project and have asked us to apply to them for this grant money. There is no local match and they are also working with some other companies to help raise this fund, working with Koch and Coleman as well to see if they will kick in some money to help fund this water testing.

So I would recommend that we apply to Cargill for the funding to help us with this water testing and I'd be happy to answer any questions."

Chairman Winters said, "All right, thank you Susan. I have just a couple. I guess I would like, if you could get me a copy of that Senate Bill 364. Is it a great big long thing, or is it pretty concise?"
Ms. Erlenwein said, "It's pretty concise."

Chairman Winters said, "And does it have some background behind where it came from and why it was originally proposed and then passed?"

Ms. Erlenwein said, "It has a little background. The main concerns is it has always been a question

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of does runoff into the sandpits contaminate groundwater or not. Some people feel that there is that potential. Others feel that the sand naturally will extract any contamination, so what we're hoping from this study is that it will determine once and for all is there contamination and if there is, then the next step would be to determine if best management practices need to take place around the pit to stop that runoff."

Chairman Winters said, "And will your staff and your department will be involved in, I guess, the leadership role in this project?"

Ms. Erlenwein said, "We are assisting the Division of Water Resources. That's the department directed by the senate bill to study this. We're the lead in Sedgwick County, working with this agency. I'll be out on the wells when they're drilled, looking at the samples and we'll be partners in this."

Chairman Winters said, "Okay, thank you. Commissioner McGinn."

Commissioner McGinn said, "Thank you. This also kind of came out of the working group that I had with the builders association and we put together with state agencies and we've been working together about almost two years now. But it came out, as we continue to develop on the west side, we have areas where sandpits, or sand mining occurred and it entered into the Groundwater Management District #2 and some questions were raised. We've asked this question I think for over ten years now about surface runoff into sandpit water, which is also our groundwater.

So we have some developers who want to make sure they're doing things correctly and they stepped up to the plate and said, 'If there's some best management practices that need to occur, we're willing to take a look at those and we're willing to change our development practices, but we just want to make sure everybody else is having to do that as well'.

So this process started a study in the best management practices and then, last spring, they had this senate bill come before them and because of some testimony from the builders and others, out of that came some requirements for the Division of Water Resources to do some testing. And so, the fact that we had started this working group early, I feel, is the reason why we're able to do the testing, in coordination with the state, here in Sedgwick County because we have a unique situation here in Sedgwick County, with the ability to mine and because of the groundwater being so close to the surface.

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So, I just share that because I think it's important to know that we have, as Susan showed us on the screen, that we have a very diverse group of people working together, so nobody is left out of the process, and even the sandpits, when they had the presentation of ranking them, they ranked them and we even made changes at that meeting, through that dialogue, and feel that these five are the ones that we're going to get the most information out of.

And so, anyway, I'm glad to see we're doing this and I'm glad it's an effort that we're doing with the state. I think we will learn something from this and we have some developers in this community that truly feel the obligation and the want . . . and wanting to make sure they do their developments correctly.

I do have a question, Susan, just about the Cargill interest. What can you share?"

Ms. Erlenwein said, "They do have an ongoing grant program for different local projects and some of those projects are environmental, and so they actually contacted us and showed an interest in this study. It's somewhat out of what they normally fund, but they are interested. They think this is a worthwhile study. It is a high price tag and that's why they're checking with other companies as well to kick in some funding for it.

And that's why the wording on the approval of this is lengthy, it's to approve any other signatures we need in the future for this money."

Commissioner McGinn said, "Well, I just . . . I think of Cargill and I think of a processing plant in downtown Wichita by the railroad tracks. And so I'm thinking of growth on the fringes and groundwater, I don't think of Cargill. So evidently, it's just the fact that they are looking to help communities do things in an environmentally correct way."

Ms. Erlenwein said, "That's correct."

Commissioner McGinn said, "Okay. Thank you."

Chairman Winters said, "All right, Commissioners, are there any other questions? Commissioner Norton."

Commissioner Norton said, "Are our lights working yet?"

Chairman Winters said, "No."

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Commissioner Norton said, “Okay. Well, I think this is an important study. We continue to be dealing with sandpit issues. I mean, we’ve got a couple before us right now. There’s going to be more. As I talk to people around the area that dig sandpits and need the sand, we’re only going to need more sand in the next five or ten years, because of some major projects. I mean, if you think about just the arena and how much concrete and sand is going to go into that, they’re going to be digging and have the need for more pits and we need to figure that out.

As we dealt with the sandpit issue on the north side just recently, it’s very obviously one of the big emotions is, ‘Well, it’s going to pollute our water, or it’s going to affect the groundwater or they’re going to dig too deep and it’s going to change something about the aquifer’. You know, there’s so many unanswered questions and hopefully this will build a model so that we can say, ‘Here’s some appropriate best methods and here’s some places maybe you don’t want to put a pit’. And we need to know that, I mean, as we try to struggle through that as county commissioners, you want to listen to the emotion, but you really need some evidence that says, behind that emotion there’s some real facts that yes, indeed we don’t want to do that. And I don’t know that, as we were dealing with that last issue, that we . . . at least I struggled with what was right and wrong, what really would affect that neighborhood, other than just the truck traffic or whatever, but environmentally, what would affect with sandpits and I think we need to know that.

I’m hopeful that this will gain legs and it will be done sooner than later, because I know we’re not going to slow up on trying to site sandpits. It’s going to only increase in the next two or three years. So, that’s all I have, Mr. Chair.”

Chairman Winters said, “Thank you. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. I just want to make a comment that I agree that it’s going to be great to bring some degree of resolution to a problem that’s lingering and ongoing and it’s always a point of contention and disagreement in just dealing with the issues related to pollution and sandpits. So I think it’s a great step for us. I’m struck by the fact that it costs so much to do these kinds of studies. I mean, the numbers you gave us indicate nearly a half a million dollars to find this out, but in light of the fact that it has been a point of contention and disagreement, it’s good that we’re moving forward.

But the real thing that I wanted to say is I just think it’s very commendable and we want to give all of the credit we can to Cargill for their involvement in a study in which they don’t have, apparently, any primary economic gain or maybe secondary economic gain. They’re just trying to be good citizens in our community and, I mean, we just can’t say enough about a company that will step forward and do that. So a very hardy thank you to the Cargill folks. Thank you.”

Chairman Winters said, “Thank you. Commissioner Sciortino.”

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Commissioner Sciortino said, “Yeah. The thing that I’m struck by, hasn’t any study on the potential pollutions of sandpits been done in our nation before? Because if we’re going to set guidelines, if something has already been done and they say ‘If this condition exists, this is what happens’. If you do a study here, we’re going to find out, at this particular sandpit, this is what has happened, and try to establish protocols that say that if you do something similar over here, the same thing will happen. Before we spend a half a million dollars, studies like this haven’t been done anywhere in the country before?”

Ms. Erlenwein said, “Surprisingly, no. One of the first steps, prior to this study, was several of those agencies, United States Geological Survey and the Division of Water Resources and the Kansas Water Office all researched nationally to see what has been done. There have been some general storm water drain studies on contamination due to runoff, but not into the sandpits.

There was one study done in 1993, on one pit that was very . . . one time, local, not much of a result. So, this will be a first in the nation for the study.”

Commissioner Sciortino said, “Well, Bill, there you go. We could win the award again next year. Okay, thanks.”

Commissioner Unruh said, “It probably hasn’t been done, because it is so expensive. Lucky we have the opportunity.”

Chairman Winters said, “All right, commissioners, are there other questions of Susan?”

Commissioner Norton said, “Just one. I think we know we’re a great place of have this kind of a study, because along the Ark River, with the Cowskin Creek and the Big Slough, and even over into the Ninnescah basin, there is a lot of sand. I mean, so much of it is sand. I mean, there’s pockets of clay but I know down on the south side there is a lot of sand and there is a potential for a lot of sandpits and a lot of problems if we don’t really figure out the best methods and what’s environmentally safe and not. So, couldn’t come at a better time and certainly I think maybe a better place in the nation, that is sitting on a big sandpit. Thanks.”

Chairman Winters said, “Thank you. Commissioner McGinn.”

Commissioner McGinn said, “Well, I just want to share, I think this information is going to be of value too with us moving forward on the watershed approach to planning. This is also going to be very helpful information, so I think it’s all coming together very well.”

Chairman Winters said, “All right, thank you. Commissioners, are there other questions or comments? If not, what’s the will of the Board?”

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MOTION

Commissioner McGinn moved to approve the Application and authorize the Chairman to sign all necessary documents, including an award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the award documents are executed.

Commissioner Norton seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you, Susan. Next item."

DIVISION OF HUMAN SERVICES-DEPARTMENT OF CORRECTIONS

F. APPLICATION TO KANSAS DEPARTMENT OF CORRECTIONS FOR UNEXPENDED FISCAL YEAR 2004 FUNDS.

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, "The State Department of Corrections has announced a funding operation for community corrections agencies from across the state to request fiscal year 2004 unexpended grant funds for use this year, through June of 2005.

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Approximately \$831,000 is available. We've prepared an application asking for \$244,406 for your approval to submit to the state. Our application includes the following items. First, our first priority is supplemental funding for adult community corrections residential center. The state grant award, as you know, has been flat for many years, while the operations costs have continued to grow. The grant covers only about 80% of the cost of the program at this time. The remaining costs are paid with client reimbursements. This request is for \$154,306 to pay for the adult program's share of the annual mortgage payment.

Our second area of request is in the technology and equipment replacement area for both our community corrections programs at 905 North Main and at the Adult Residential Center, which is at Central and Santa Fe. We're requesting \$90,100 to upgrade technology infrastructure and we've worked with Rodney Horton at DIO to get their recommendations on exactly what that would be and it's quite detailed. It includes installing the structure to have wireless communication and replace aging equipment to include two copiers, equipment to maintain the floors, a data projector, four wireless computer tablets and eight voice-over IP wireless telephones. Those help the staff that are out in the facility be able to communicate. They are out supervising clients and they carry a small wireless cell phone that they can communicate with their supervisor and among one another within the facility.

The upgrades strengthen our overall communication network and the advisory board, the Corrections Advisory Board has reviewed this application and recommends your approval to submit it to the state. Be happy to try to answer any questions."

Chairman Winters said, "All right, and Mark, this is unexpended funds that the state has available, and so chances are pretty good that this will happen? Or is it still up against competing against other projects?"

Mr. Masterson said, "That the funds are available has happened. That decision has been made. Twenty-nine agencies will submit requests about their needs and compete for those funds."

Chairman Winters said, "All right. Commissioner Unruh."

Commissioner Unruh said, "Thank you. Mark, I know you're being very creative and flexible in tight budget times and how you're asking for this grant fund and how you're going to apply it. It's just peculiar to me that our application is asking for mortgage payment funds, as that frees up money elsewhere. I mean, just tell me about it."

Mr. Masterson said, "That frees up our client reimbursements to use for the under-funded grant for the operating costs. That 20% of our operating costs that aren't covered in the grant, that gives us

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some flexibility for using those funds.”

Commissioner Unruh said, “And well, I anticipated that answer, I just didn’t want to give the impression that should we not get the grant, we’re going to default on a mortgage payment. I know that’s not going to happen. It just seems . . . I know you’re being flexible and creative, so just wanted to make that point. Thank you.”

Chairman Winters said, “Thank you, Commissioners. Are there other questions or comments? If not, what’s the will of the Board?”

MOTION

Commissioner Norton moved to approve the Application and authorize the Chairman to sign all necessary documents, including an award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the award documents are executed.

Commissioner Sciortino seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “Thank you, Mark. Commissioners, at this time we need to recess the regular meeting of December 1st and we need to call to order the meeting of the Fire District.”

G. RECESS TO THE FIRE DISTRICT #1 MEETING.

The County Commission recessed into Fire District #1 Meeting of December 1st, 2004 at 9:47 a.m. and returned at 9:51 a.m.

Chairman Winters said, “I’ll call back to order the regular meeting of the Board of County

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Commissioners, December 1st, 2004. And Madam Clerk, would you call Item H.”

H. DIVISION OF PUBLIC SAFETY.

- 1. ADJUSTMENT TO THE DIO FACILITY PROJECT SERVICES STAFFING TABLE TO INCLUDE A TEMPORARY CONSTRUCTION PROJECT MANAGER POSITION, B323, TO BE FUNDED BY SEDGWICK COUNTY FIRE DISTRICT #1.**

Mr. Bob Lamkey, Director, Division of Public Safety, greeted the Commissioners and said, “This is the action that needs to be taken to add the position to the staffing table, as you sit as the Board of County Commissioners and I would recommend you approve the adjustment to the DIO Facility Project Services staffing table.”

MOTION

Commissioner Norton moved to approve the adjustment to the DIO Facility Project Services Staffing Table.

Chairman Winters seconded the motion.

Chairman Winters said, “Bob, I have one question again. If this person, Facility Project Manager, if there is either a downtime in the Fire, this person will not just wait? I mean, this person will have other projects they can be involved in?”

Mr. Lamkey said, “Absolutely not. This . . . the Fire District has priority, but this is really a utility person for Facility Project Services to use to support their other needs.”

Chairman Winters said, “And it’s going to work for DIO and that’s why we’ve put this back now in our regular meeting instead of doing it in the Fire District Meeting.”

Mr. Lamkey said, “That’s correct.”

Chairman Winters said, “All right. Commissioners, everybody clear? Any other questions or comments? Madam Clerk, would you call the vote?”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye

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Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you, Bob. Next item."

2. ADJUSTMENT TO THE REGIONAL FORENSIC SCIENCE CENTER STAFFING TABLE TO INCLUDE A PERMANENT PART-TIME OFFICE SPECIALIST POSITION, B115.

Dr. Timothy Rohrig, Director, Forensic Science Laboratories, Regional Forensic Science Center, greeted the Commissioners and said, "This morning, we are requesting the addition of a part-time clerk position to serve principally the laboratory, but the center as a whole. The Forensic Laboratory has experienced essentially an exponential growth in the number of cases that have been submitted to the lab over the last three years. We've seen a tripling from 2000 to 2003 in the number of lab cases. Hence, the number of pieces of evidence and subsequent forensic laboratory reports issued.

Currently, the laboratory has 13½ scientific positions and two paraprofessional positions, but no clerical help. So in order to support this need, as far as getting the reports out, the data entry that's goes along with this, I'm having to pull paraprofessionals and staff off the bench to type reports, file reports. This is somewhat of a poor utilization of our professional staff.

So by hiring a part-time clerk, we are able to free up our staff, allow them to be on the bench doing the forensic analysis and then allow a clerical person to type reports and file those reports in a more timely fashion. So I would like to request that you do approve the addition to our staffing table and I stand ready to answer any questions that you may have."

Chairman Winters said, "All right, thank you Tim. Commissioners, are there questions or comments? I think I'm going to be very supportive of this. I think we're very proud of the work that you all do at the Forensic Science Center and we want to make sure that it continues to be first-class and very efficient. So, Commissioners, are there other questions or comments?"

Commissioner Norton said, "Yes Mr. Chairman, I have just another comment. One of the things, and Dr. Rohrig and I talked about this, is that we continue to try to really and truly make this a regional forensic center and to keep that capacity, to offer the services in a more regional basis and

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not draw our horns in and just become Sedgwick County. You really . . . to expand the capacity, you've got to have somebody do the paperwork and keep that organized for you, or we can draw in and not do that and be so over-encompassing. And I think we want to be a regional center. We want to continue to offer those services to the many counties and other entities that we do, and we're just not going to be able to do that without some clerical help and to keep everything as organized as you want it. So wanted to be sure that we talked about that a little bit."

Chairman Winters said, "Okay, thank you. Commissioners, what's the will of the Board?"

MOTION

Commissioner Unruh moved to approve the adjustment to the Regional Forensic Science Center Staffing Table.

Commissioner Norton seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "Thank you, Tim. Next item."

CONSENT AGENDA

I. CONSENT AGENDA.

- 1. Three Temporary Construction Easements for Sedgwick County Project 616-3 through 36, widening of 13th Street North between K-96 and 159th Street East. CIP# R-253. District #1.**

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2. **Amendment to the 2004 Capital Improvement Program to increase replacement of chiller – Munger Building/Historic Courthouse.**
3. **Resolution memorializing the Board of County Commissioners’ findings regarding City of Valley Center’s request for an island annexation of the Sunnydale area.**
4. **Application for License to Retail Cereal Malt Beverages.**

Applicant Name

Business Name

Kevin Eastman

D’Mario’s Pizza/Cheney Lanes, Inc.

5. **General Bills Check Register(s) for the week of November 24 – 30, 2004.**

Mr. Buchanan said, “Commissioners, you have the Consent Agenda before you and I would recommend you approve it.”

Commissioner Sciortino said, “Can I ask a . . .?”

Chairman Winters said, “Sure. Commissioner Sciortino.”

Commissioner Sciortino said, “Mr. Manager, could you just tell me what that means, on Item #3, on the Consent Agenda, memorializing? What does that mean?”

Mr. Buchanan said, “I’m sure Rich Euson is more qualified to talk about memorializing than I am.”

Mr. Euson said, “Commissioners, when you made the finding that you made in that island annexation case, it needs to be backed up by a resolution, and so all you’re really doing is approving a resolution detailing the finding that you made.”

Commissioner Sciortino said, “Okay, thank you. I just never had seen that. Thank you.”

Chairman Winters said, “Commissioners, that’s the explain. Are there other questions or comments?”

MOTION

Commissioner Norton moved to approve the consent agenda as presented.

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Commissioner Sciortino seconded the motion.

There was no discussion on the motion, the vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, “All right, is there other business? We do need to have a short Executive Session today, Commissioners, but if there’s other community business or discussion, this would be a good time to do that. Commissioner Unruh? Commissioner Sciortino?”

J. OTHER

Commissioner Sciortino said, “Oh yes, I do have something, very quickly. The Derby Rec Center, Derby is hosting a really large arts and crafts show Saturday and I’m going to be showing some of my woodcarving stuff. I’m not doing that . . . I don’t have anything to talk about. Next.

No, anyway, it is an annual arts and crafts show, it’s a great show and I’m going to be there.”

Chairman Winters said, “All right, Commissioner McGinn.”

Commissioner McGinn said, “Just Old Fashion Christmas at Cowtown starts this week and continues on until next weekend and it’s a great event, if you’ve never gone, and if you have gone, it’s a great event to go back to.”

But I’m visualizing Ben and his little hat at a craft show, whittling.”

Commissioner Sciortino said, “Wait till you see some of my walking sticks, with my wood spirits on them and everything. I’ve only got nine fingers left.”

Commissioner Norton said, “I don’t know if I can top any of that, but Haysville’s Village Christmas and lighting in the old town district is this weekend. It’s a great event. Santa Claus is there and I think the Masonic lodge has some soup and chili feed and it’s a pretty nice event. I

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think it's Saturday night, starts around 5:00, as the sun starts to go down, so it's a pretty nice event.

People who don't have a place to go and would like to be in a small town, doing some small town stuff, Haysville's got that going this weekend. That's all."

Chairman Winters said, "All right. Commissioner McGinn."

Commissioner McGinn said, "Well, I just remember, I believe Sedgwick is having their craft show this Saturday too, so it sounds like there's lots of opportunities to find crafts for Christmas."

Chairman Winters said, "All right, an interesting event. Thursday evening, Wichita Area Chamber of Commerce is having their annual event. We're looking forward to former New York Mayor, Rudy Giuliani is going to be in town, so that should be a very interesting meeting, if anybody is interested in hearing Rudy Giuliani. All right, Commissioners, we do need to go into Executive Session briefly."

EXECUTIVE SESSION

MOTION

Commissioner Unruh moved that the board of County Commissioners recess into executive session for 10 minutes to consider consultation with legal counsel on matters privileged in the attorney client relationship relating to legal advice and personnel matters of non-elected personnel and that the Board of County Commissioners return to this room from executive session no sooner than 10:15 a.m.

Commissioner Norton seconded the motion.

There was no discussion on the Motion. The vote was called.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner McGinn	Aye
Commissioner Sciortino	Aye
Chairman Winters	Aye

Chairman Winters said, "We're recessed into Executive Session."

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The County Commission was recessed into executive session at 10:05 a.m. and returned from Executive Session at 10:20 a.m.

Chairman Winters said, “All right, we’ll wait until they . . . We’ll call back to order the regular meeting of the Board of County Commissioners meeting, December 1st, 2004. Let the record show, there was no binding action taken during Executive Session. Is there any other business to come before? Mr. Manager? Mr. Euson? Commissioners? This meeting is adjourned. Thank you.”

K. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 10:21 a.m.

**BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS**

THOMAS G. WINTERS, Chairman
Third District

Regular Meeting, December 1, 2004

DAVID M. UNRUH, Chair Pro Tem
First District

TIM R. NORTON, Commissioner
Second District

CAROLYN McGINN, Commissioner
Fourth District

BEN SCIORTINO, Commissioner
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2004